IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

Crl.Rev.Pet.No. 168 of 2000(B)

CRL.A.140/1996 OF IST ADDL. SESSIONS COURT, KOLLAM,
CC.349/1992 OF JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM.

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REVISION PETITIONER/APPELLANT NO.3/ACCUSED NO.3:

JYOTHI PRASAD, MAUVILA VEEDU,
PUNNUKKANNOOR, KOTTARAKKARA.

BY ADV. SRI.K.S.SREEKUMAR,
SRI.GEORGE VARGHESE PERUMPALLIKUTTIYIL.

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/09/2007,ALONG WITH CRL.R.P NO.175/2000,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 960/2000 IN CRL.R.P. NO. 168/2000

DISMISSED

05/09/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

CRL.R.P.NOS. 168 & 175 OF 2000

DATED THIS THE 5th September 2007

ORDER

The revision petitioner in Crl.R.P.No.168/2000 is the third accused and the revision petitioners in Crl.R.P.No.175/2000 are accused 1, 2 and 4 in C.C.No.349/1992 in the file of the Judicial First Class Magistrate-I, Kollam who stands convicted for the offence under Section 471 read with Section 34 I.P.C. and sentenced to undergo rigorous imprisonment for one year each.

2. The prosecution case is that A1 to A4, who are the employees of Parvathy Mills, Kollam, with intention of getting promotions to the post in the Engineering Department, applied with the forged course certificate of I.T.C. in the forged letter-pad and the seal of I.T.C.with respect to the Fitter Course for the period 8/73 to 7/75 and that A5 who was the Principal in-charge of the I.T.C. supplied them the above documents. The courts below acquitted A5.

3. The evidence adduced in the matter consisted of the testimony of Pws.1 to 6 and Exts.P1to P12. PW1 is the Principal of the I.T.C., PW2, the Administrative officer of the I.T.C., PW3, the Peon of I.T.C., PW4 is the Personnel Manager of the Parvathy Mills, PW5, the Chief Security officer of Parvathy Mills and PW6 is the A.S.I., the

investigating officer. Exts.P4 and P5 are the photocopies of the course certificate. Exts.P6 to P8 are the alleged applications of A1 to A4.

4. It is contended by counsel for the revision petitioners that there is absolutely no evidence as to the relevant aspect that it is the accused who submitted Exts.P6 to P10 applications along with Exts.P2 to P5 photocopies of the course certificates. No objective evidence has been adduced also to establish the fact that it is the accused who had affixed their signatures in Exts.P6 to P10.

5. It is only the court that has compared the signatures in the applications with the signatures in vakalath and bail applications and bail bonds and found that the signatures are similar. It is also pointed out that there is no objective evidence produced to prove that the accused had submitted the above applications. PW4, the Personnel Manager of Parvathy Mills who was examined to prove that it is the accused A1 to A4 who have submitted the applications have stated that at the relevant period, i.e., on the date of submission of the applications he was not the Personnel Manager and it was that one Gopalakrishnan was the Personnel Manager. No registers or other documents were also produced to show that the accused have submitted the above applications. It is suggested that there is Union

rivalry in the particular establishment and that it is possible that the rivals might have submitted the applications. No documents containing the admitted signatures of the accused persons were also produced . I find that the conviction is only based on the comparison of the signatures made by the court and as according to the court, the signatures appeared similar. I find that the above evidence is hardly sufficient to find that the accused is guilty of the alleged offence beyond reasonable doubt. I find that the matter is of the year 1990. In the circumstances, the conviction and sentence imposed on the accused is set aside. The accused would stand acquitted. The Crl. revision petitions are allowed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NOS.168 & 175 OF 2000

ORDER

5-9-2007